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EM-One Power Station LLC

## **STATE OF CALIFORNIA**

### **Energy Resources Conservation and Development Commission**

In the Matter of:	)	Docket No.	00-AFC-3
	)		
Application for Certification for the EM-One	)		
Power Station's NUEVA AZALEA POWER	)		
PLANT PROJECT (Sunlaw Energy Corp.)	)		
	)		

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**STATUS REPORT NO. 1**  
**BY**  
**APPLICANT EM-ONE POWER STATION LLC**

October 30, 2000

Applicant EM-One Power Station LLC hereby submits is Status Report No. 1 for the Nueva Azalea Powerplant Project AFC.

# **I. Major Activities to Date**

The following are the major activities that have occurred for the site certification process to date:

Emission Offset Credit Option Contracts between the Applicant and holders of recognized ROG ERCs within the SCAQMD coastal zone Submitted to CEC	--	June 22, 2000
AFC Deemed Complete	--	August 9, 2000
CBE Petition to Intervene Granted	--	August 29, 2000
Informational Workshop	--	September 7, 2000
CEC Staff's First Set of Data Requests	--	September 11, 2000
Data Request Workshop	--	September 20, 2000
CEC Staff's and Applicant's Proposed Schedule; CEC Staff's Issues Identification Report	--	September 25, 2000
Informational Hearing and Site Tour	--	October 2, 2000
Committee's Scheduling Order	--	October 6, 2000
Applicant's Responses to CEC Staff's First Set Of Data Requests	--	October 11, 2000
Data Response Workshop	--	October 18, 2000
CEC Staff's Second Set of Data Requests	--	October 24, 2000
CBE's First Set of Data Requests	--	October 24, 2000
City of Downey's First Set of Data Requests	--	October 25, 2000
CBE's Supplemental Data Requests	--	October 27, 2000
CURE and City of Downey Petitions to		

Intervene Granted

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October 27, 2000

Based on the above, the site certification process is proceeding apace and in accordance with the Committee's previous Scheduling Order.

## **II. Upcoming Activities**

### ***Discovery***

Cumulatively, the Staff's Second Set of Data Requests, plus those propounded by Intervenor CBE and City of Downey, comprise 157 additional requests. These follow 87 previous requests from Staff. Following the Data Request Workshop on November 1, 2000, Applicant will be better able to assess the extent of objections to these requests and/or any other needed involvement by the Committee.

In addition to the currently outstanding three sets of Data Requests, Staff requested follow-up to a number of Applicant's Responses to Staff's First Set of Requests. Most of the supplemental Responses will be filed and served this week.

Four Supplemental Response items, which require very substantial additional modeling efforts and the use of completely new data sets, will take additional time. These items involve construction air impact assessment and vapor plume modeling for visual impact assessment. Applicant expects to provide supplemental Responses for these four items on or before November 10, 2000 (and has so informed Staff).

Additional discovery is expected in the near future.

### ***Mechanisms for Streamlining the Certification Process***

Applicant previously requested that Staff be requested to provide typical and standard conditions of certification, as has been done in several other recent certification proceedings. Although Staff has not yet been directed to do so, Staff has informally agreed to provide Applicant with the standard conditions submittals Staff has made in other siting cases in response to other Committee Orders. Applicant may in the future request the Committee to focus this effort as a mechanism for streamlining issues that are not in dispute in this proceeding.

As the proceeding progresses, there may be other opportunities for streamlining the certification process. Particularly given Staff's workload on this and other pending certifications, such measures have the potential both to speed this proceeding and to ease the Staff's workload. Applicant will recommend such measures to the Committee as they are identified.

### ***PM10 ERCs***

As noted above, option contracts evidencing Applicant's control over ERCs for ROGs were submitted to the CEC even prior to the data adequacy determination. This same information was submitted to the SCAQMD at approximately the same time. Based on recent analysis of the Nueva Azalea emissions and recent testing of the performance of the SCONox

system, these option contracts provide control over sufficient offsets to meet the proposed 3:1 ratio for offsetting PM10 emissions.

### **III. Conclusion**

This siting certification process for Nueva Azalea is proceeding on schedule in accordance with the Committee's Scheduling Order.

Nueva Azalea continues to be the cleanest pending powerplant project on the Commission's docket, and continues to be the project that, when sited, will establish new, lower BACT levels for all or nearly all pollutants.

Accordingly, Applicant urges that the Committee work to keep the matter on as expeditious a schedule as possible, and that the Committee ensure that the process does not become bogged down and that the process is not misused to create untoward delay.

Dated: October 30, 2000

FITZGERALD, ABBOTT & BEARDSLEY LLP

/s/ Barry H. Epstein

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Barry H. Epstein  
Attorneys for Applicant EM-One Power Station LLC

**Attachment**

**PROOF OF SERVICE**

I, Rae C. James, declare that on October 30, 2000, I deposited copies of the following document:

Status Report No.1 By Applicant EM-One Power Station LLC

in the United States mail at Oakland, California, with first-class postage thereon fully prepaid, and addressed to the following:

Anne E. Simon, Esq. Communities for a Better Environment 1611 Telegraph Avenue, Suite 450 Oakland, CA 94612	Intervenor
Charles S. Vose Edward W. Lee OLIVER, VOSE, SANDIFER MURPHY & LEE 281 S. Figueroa Street, 2 <sup>nd</sup> Floor Los Angeles, CA 90012-2501	Counsel for the City of Downey, Interested Agency
Andrew G. Pasmant City Manager City of South Gate 8650 California Avenue South Gate, CA 90280-3075	Interested Agency

Chandrashekbar Bhatt Air Quality Engineer South Coast Air Quality Management District (SCAQMD) 21865 East Copley Drive Diamond Bar, CA 91765-4182	Interested Agency
Bahram Fazeli Communities for a Better Environment 5610 Pacific Blvd., Suite 203 Huntington Park, CA 90255	Intervenor (duplicate)

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Rae C. James

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Rae C. James